

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)	
)	
Request for Review of the)	CC Docket No. 02-6
)	CC Docket No. 96-45
Decision of the)	
Universal Service Administrative Company)	File No. _____
)	
By)	
)	
Bryan City School District, Bryan, OH)	
Billed Entity #129259)	
471 Application # 555220)	
FRN# 1531837)	

FILED/ACCEPTED

JAN 15 2008

Federal Communications Commission
Office of the Secretary

REQUEST FOR REVIEW

Pursuant to Section 54.719(c) of the Rules of the Federal Communication Commission ("FCC" or "Commission"), Bryan City School District, Bryan, Ohio ("Bryan"), respectfully requests review of the November 27, 2007 Funding Commitment Decision Letter ("FCDL") (attached as Exhibit A) of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") that denied funding for FCC Form 470 #405930000592631 ("Form 470," attached as Exhibit B) and associated Form 471 #555220 ("Form 471," attached as Exhibit C) and Funding Request Number ("FRN") 1531837 for Funding Year 2007 (07/01/2007 – 06/30/2008). As will be shown below, the SLD: (1) without consent and in violation of the FCC's rules and regulations removed funding from the request as a Request for Basic Maintenance of Internal Connections; (2) incorrectly determined that the request was for Basic Maintenance of Internal Connections; and then (3) denied funding because less than 30% of the FRN was a request for Basic Maintenance of Internal Connections.

On December 05, 2006 Bryan posted its Form 470 requesting: at line 8 Telecommunication Services; at line 9 Internet Access; at line 10 Internal Connections other than Basic Maintenance; and at line 11 Basic Maintenance of Internal Connections. On January 02, 2007 Bryan entered into a contract for Internet Access with the Northern Buckeye Education Counsel ("NWOCA"). This contract was assigned the Funding Request Number ("FRN") 1531837 and was for an annual pre-discount amount for eligible non-recurring charges of \$64,415.80. The same Form 471 showed funding requests for Telecommunications Services (FRN # 1543923); Telecommunication Services (FRN # 1543968); and Telecommunications Service (FRN # 1544024). (The Form 471 showed no contracts or funding requests for either the Form 470 item 10 nor item 11 requests, and no contracts for those requested services were ever entered into.)

There then followed a series of missteps and erroneous determinations by the SLD, possibly stemming, in part, from the applicant's use of a term of art "Internal Connections" when it was describing on-premise equipment used with Internet Access, but unaware that the same term "Internal Connections" is defined differently by the Commission. Nonetheless, based on the unambiguous record before it, the SLD should not have removed any funding for the request as "Maintenance of Internal Connections" and should not have denied Bryan's FRN 1531837.

Attachment 21 to FRN 1531837 is attached as Exhibit D, hereto. It described the Internet Service requested as follows (emphasis added):

Narrative Description: Basic Conduit Internet Access including DNS, Internet Content-Filtering, and Firewall Services with Gigabit Ethernet Transport and T-1 ATM Transport; 6Mb/s Internet Bandwidth (burstable at no additional charge to 30Mb/s; bursting beyond 30Mb/s available at \$1,000/year per 10Mb/s beyond 30Mb/s); including the following additional bundled services:

- Unlimited basic SMTP Email accounts (limited to district students and staff);

with bundled SPAM filtering

- Unlimited web hosting accounts (Frontpage) for school district and teacher websites and sub-webs with a total storage capacity of 2GB per district. Additional disk storage \$5/GB/month
- Network Connectivity Technical Support for Internet Connections
- Equipment Maintenance and Technical Support of the Equipment Required to Provide Internet Connections
- Interconnected Voice Over Internet Protocol Service for Entities Utilizing a CiscoVOIP solution including Voicemail Services and Components
- **Maintenance and Technical Support of Internal Connections, and the Equipment Required to Provide this Cisco VOIP Telephony Functionality**

All of the requested services were clearly eligible services to be provided by an Internet Service Provider like NWOCA, except for the last bulleted item. While the last bullet states that it covers: "Maintenance and Technical Support of **Internal Connections**, and the Equipment Required to Provide this Cisco VOIP Telephony Functionality," the intent of the last bullet is clearly to describe the maintenance of the VOIP functionality using the Cisco equipment. The described functionality is part of Internet Access and is not "Internal Connections" as defined in the *Tennessee Order*.¹ Bryan repeatedly tried to point this out to the SLD with little effect.

On February 9, 2007, Bryan received a Receipt Acknowledgement Letter ("RAL") which incorrectly showed a value of \$67,035.80 for line 23(g) ("Ineligible Non-Recurring Amount") (Exhibit E). In point of fact, the correct value for line 23(g) as reflected on the Form 471 was only \$2,620.00. Even so, line 11 of page 4 of Exhibit E, which contained the request at issue here, clearly specified the category of service as "Internet Access." Before Bryan could even respond, it received a letter from USAC dated February 14, 2007 (Exhibit F) which asked for, *inter alia*, a supplement to the Item 21 Attachment within 15 calendar days. Bryan submitted a timely response on February 16, 2007 (Exhibit G) which provided more detailed documentation

¹ Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator, Request for Review by Integrated Systems and Internet Solutions, Inc., of the Decision of the Universal Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, 14 FCC Rcd 13734 (1999) ("*Tennessee Order*"), at ¶¶ 18, 37, 39.

identifying (a) the actual products and services being requested and delivered and (b) ineligible charges that were cost allocated out of the request. Then on February 20, 2007, a new RAN (Exhibit H) was issued which corrected the line 23 (g) error – and which again properly characterized the request in issue here as “Internet Access.”

On July 26, 2007, a Funding Commitment Decision Letter (“FCDL”) (Exhibit I) was issued which categorized the \$64,415.80 requested in FRN 1531837 as “Basic Maintenance of Internal Connections.” This determination was clearly inconsistent with both the February 9 and February 20, 2007 RANs. Nor was it consistent with the information before the SLD, had the SLD conducted even a minimal analysis of the information before it. On August 1, 2007, Bryan appealed the July 26, 2007 FCDL to the SLD with support that showed that there had been no request for internal connections, but only a request for internet access (Exhibit J). On the cover sheet to the August 1, 2007 appeal Bryan stated that it made an error on the Form 471 by erroneously stating the wrong category of service as “Basic Maintenance of Internal Connections.” In point of fact, Bryan correctly showed the service as Internet Access as had been reflected on both the February 2 and 20 RANs.

On August 24, 2007, in response to Bryan’s appeal, the SLD, for the first time, undertook the type of investigation and analysis required by *Bishop Perry Middle School* (FCC 06-54, released May 19, 2006) and *Henkels & McCoy Inc.* (DA 06-1463, released July 19, 2006). As required by these decisions, when the SLD is confronted with procedural issues or questions regarding the eligibility of services, the FCC has directed the SLD not to reject outright an application for E-rate discounts but to “conduct a more detailed inquiry to determine whether the

products or services were eligible.”² In an August 24, 2007 email (part of Exhibit K), Gary Herbst of SLD asked Tim Rettig of Bryan for more detailed information concerning FRN 1531837. Bryan submitted a detailed response on September 19, 2007 (also part of Exhibit K). On October 2, 2007, Molly Brummer of SLD asked Mr. Rettig for additional information to supplement Bryan’s earlier response (Exhibit L). On October 10, 2007, Bryan submitted a detailed timely response to the October 2, 2007, inquiry (Exhibit M).

According to our records there was no further communication from the SLD until November 27, 2007, when an FCDL was issued (Exhibit A) which: (i) reduced the pre-discount amount for eligible charges from \$64,415.80 to \$52,483.80 with no justification; asserted that those funds had been removed from the FRN at Bryan’s request; found that less than 30% of the FRN was a request for Basic Maintenance of Internal Connections; and then denied the entire request because the funding level for Internal Connections had been exceeded. The SLD’s determinations are without justification and inconsistent with the record before it, as outlined above.

There was no justification for the SLD to arbitrarily reduce the pre-discounted amount from \$64,415.80 to \$52,483.80. Absent compelling justification, the SLD cannot reduce the pre-discounted amount. Far from there being any compelling justification, no justification whatsoever has been provided. The pre-discounted amount should be reinstated to \$64, 415.80.

The applicant never requested that funds be removed from the FRN in question. Rather, it merely clarified that it had used incorrect terminology to describe one element of its request.

² *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Henkels & McCoy, Inc., Little Rock School District, Little Rock, Arkansas, DA-06-1463, at para. 7.*

Even so, the SLD clearly understood the true nature of this element, as it had twice categorized it properly in both NALs.

Bryan provided detailed explanation and back-up to support its assertion that it was requesting Internet Access and not Internal Connections. As can be seen from the attached Exhibits, Bryan showed that the system design is almost exactly like the system design permitted by the Federal Communications Commission in its *Tennessee Order*, *supra*, at ¶¶ 37-38.

- NWOCA provides a seamless Internet service to several demarcation points in the building, just as was permitted in ¶ 30 of the *Tennessee Order*.
- The on-premises equipment in the schools will function if NWOCA's system fails. The NWOCA system can fail at any point up to and including the demarcation point for its service and the schools' internal network will continue to function. The router used by the system is not the demarcation point.
- The equipment used by NWOCA is an integral component of NWOCA's Internet Access service.
- All of the on-premise equipment will be provided by NWOCA.
- NWOCA will have the responsibility for maintaining the equipment.
- The ownership of the equipment will never transfer to the school.
- There is no option for the Bryan to purchase the equipment.
- The equipment will be used for Internet Access only.
- There are no contractual, technical or other limitations between Bryan and NWOCA that would prevent the equipment from being used or shared with other customers.

If the SLD had conducted a reasoned examination and analysis of the information before it, it would have found that the services requested by Bryan were permitted Priority One Services. Although the SLD conducted a perfunctory review, it totally disregarded the responses it received and failed to conduct the minimum analysis required by the FCC. The SLD, absent any finding of waste, fraud or abuse consistent with 47 C.F.R. § 54.702(g), failed to conduct the

required inquiry and overstepped its authority by changing the service category on FRN 1531837, and thereby resulted in the denial of funding.

The SLD has also misapplied the FCC's 30% rule. Section 54.504(d) of the Commission's rules provides with respect to mixed eligibility requests: "If 30 percent or more of a request for discounts made in an FCC Form 471 is for ineligible services, the request shall be denied in its entirety." Even so, in *Aiken County Public Schools*, 22 FCC Rcd 8735 (May 8, 2007), the full Commission tempered the impact of the rule. There, it granted 59 appeals of USAC denials of e-rate funding requests on the ground that some had provided sufficient evidence to demonstrate that at least 70% of the requested services were eligible for support, and went on to waive the rule on its own motion to permit the others to remove ineligible services from their funding requests. The Commission further directed USAC, beginning in FY 2007, once it finds that an applicant has requested funding for an ineligible service, to afford a 15-day opportunity to amend the application to eliminate ineligible services or to provide additional documentation to justify the requested services. In the instant case the SLD found that **less than** 30% was ineligible as a Priority II Service. Pursuant to Section 54.504(d) of the Rules, the 30% ineligible threshold was not crossed, so therefore the 30% rule did not even apply. Moreover, even if **more than** 30% was properly found to be ineligible, the SLD failed to meet its obligations under *Aiken County Public Schools*, *supra*.

Denial of funding in this case would be inconsistent with the statutory goal of the E-rate program mandated by Congress of preserving and advancing universal service among schools and libraries most in need of support.³ Admittedly, Bryan inadvertently misused the term

³ *In the Matter of Request for Review and/or Waiver of the Decision of the Universal Service Administrator by Glendale Unified School District*, Glendale, California, DA-06-244, at para. 5.

~~"Internal Connections"~~ when it meant on-premises equipment used as part of Internet Access, but denial of the entire funding request without the further inquiry required under *Bishop Perry* and *Henkels & McCoy* was impermissibly harsh and inconsistent with the program's statutory goal.

Conclusion

It was error for the SLD to deny funding to FRN 1531837 because: (1) Bryan did not authorize the reduction of the pre-discount amount; (2) Bryan provided sufficient support for the SLD to find that its requested service was a Priority One service permitted under the *Tennessee Order*; (3) Bryan provided, in a timely manner, all information requested by the SLD; (4) there is no factual or legal basis for the SLD's change of category of service from Internet Access to Internal Connections and (5) the 30% Rule was inappropriately applied.

Therefore, Bryan respectfully requests that the Commission grant this Request for Review, remand the FCDL, find that the SLD erred in its decision to deny funding, and direct the SLD to approve funding for FRN 1531837.

Respectfully submitted,

BRYAN CITY SCHOOL DISTRICT

By: 

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Its Attorneys

January 15, 2008

DECLARATION UNDER PENALTY OF PERJURY

Timothy S. Rettig declares under penalty of perjury that the following is true and correct of his personal knowledge and belief:

1. I am Technology Director of Bryan City School District, Bryan, Ohio.
2. I have read the foregoing "Request for Review" of the decision of the Universal Service Administration Company of our FRN# 1531837 for Funding Year 2007. All of the facts stated therein are true, and all of the exhibits attached thereto are true copies of materials in our files.



Timothy S. Rettig

January 14, 2008

LIST OF EXHIBITS

- A. SLD November 27, 2007 Funding Commitment Decision Letter
- B. FCC Form 471 # 405930000592631
- C. FCC Form 471 # 555220
- D. Attachment 21 to FRN 15131837
- E. Receipt Acknowledgement Letter dated February 9, 2007
- F. USAC February 14, 2007 letter requesting supplement to Attachment 21
- G. Bryan response of February 16, 2007 to Exhibit F
- H. Receipt Acknowledgement Letter dated February 20, 2007
- I. SLD July 26, 2007 Funding Commitment Decision Letter
- J. Bryan August 1, 2007 appeal of Exhibit I
- K. Email exchange between Bryan and SLD with more detailed information
- L. SLD October 2, 2007 request for further information
- M. Bryan October 10, 2007 response to Exhibit L



Attention: Julie Lange
Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2007: 07/01/2007 - 06/30/2008)

419-724

2209

November 27, 2007

Timothy S. Rettig
BRYAN CITY SCHOOL DISTRICT
150 S. Portland
BRYAN, OH 43506-1601

Re: Form 471 Application Number: 555220
Billed Entity Number (BEN): 129259
Billed Entity FCC RN: 0012996682
Applicant's Form Identifier: 07-08-471-BRY

Thank you for your Funding Year 2007 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$29,390.93 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 555220 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2007," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence

FUNDING COMMITMENT REPORT
Billed Entity Name: BRYAN CITY SCHOOL DISTRICT
BEN: 129259
Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 555220
Funding Request Number: 1531837
Funding Status: Not Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 405930000592631
SPIN: 143007175
Service Provider Name: The Northern Buckeye Education Counsel
Contract Number: N/A
Billing Account Number: 419.636.6973
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Award Date: 01/02/2007
Contract Expiration Date: 06/30/2010
Shared Worksheet Number: 855884
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$52,483.80
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$52,483.80
Discount Percentage Approved by the USAC: 56%
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: Less than 30% of this FRN is a request for Basic Maintenance of Internal Connections and those funds were removed from the FRN at the applicant's request. Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded. Please see <http://www.universalservice.org/sl/> for further details.

FCDL Date: 11/27/2007

Wave Number: 030

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008

FCC Form

Approval by OMB
3060-0806**470****Schools and Libraries Universal Service
Description of Services Requested
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 405930000592631
Applicant's Form Identifier: 470-2007-08
Application Status: CERTIFIED
Posting Date: 12/05/2006
Allowable Contract Date: 01/02/2007
Certification Received Date: 12/05/2006

1. Name of Applicant: BRYAN CITY SCHOOL DISTRICT		
2. Funding Year: 07/01/2007 - 06/30/2008		3. Your Entity Number 129259
4a. Applicant's Street Address, P.O.Box, or Route Number 1350 FOUNTAIN GROVE DRIVE		
City BRYAN	State OH	Zip Code 43506-1601
b. Telephone number (419) 636- 6973		c. Fax number (419) 636- 0313
5. Type Of Applicant <input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input checked="" type="checkbox"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
6a. Contact Person's Name: Timothy S. Rettig		
First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.		
6b. Street Address, P.O.Box, or Route Number <input checked="" type="checkbox"/> 150 S. Portland St.		
City	State	Zip Code

Bryan

OH

43506

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

- ☒ 6c. Telephone Number (419) 636-4536
- ☒ 6d. Fax Number (419) 633-6281
- ☒ 6e. E-mail Address bry_hs_tr@nwoca.org

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
- b. ☒ Services for which a new written contract is sought for the funding year in Item 2.
Check if you are seeking ☒ a multi-year contract and/or ☒ a contract featuring voluntary extensions
- c. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

- a. ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at at or via (check one):
☒ the Contact Person in Item 6 or ☒ the contact listed in Item 12.

- b. ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

- c. ☒ Check this box if you prefer discounts on your bill. ☒ Check this box if you prefer reimbursement after paying your bill in full. ☒ Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
Telephone Service	POTS 10 Lines
Telephone Service	Long Distance
Telephone Service	Pri
Telephone Service	Wireless Telephone service with PCS

Telephone Component Direct Inward Dial	120 DIDs
Digital Transmission Services	Integrated Digital Services - PRI
Interconnected Voice Over Internet Protocol (VOIP) services	350 Phones
Voicemail Services	400 Accounts

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☒ the Contact Person in Item 6 or ☒ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c ☒ Check this box if you prefer discounts on your bill.

☒ Check this box if you prefer reimbursement after paying your bill in full.

☐ Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
Internet Access	Basic Conduit; Fiber-Based Facilities 3-6 mb/s bandwidth bursting to 100 mb/s purchased Internet Bandwidth; WAN conduit for Internet Access (Intra District Conduit); All Basic Conduit services include DNS, Firewall Services, Internet Filter
Email Service	Basic Email Accounts: 400 Staff Email Accounts; 2500 Student Email Accounts
Web Hosting	Web hosting for school district web site and teacher sub-web sites, limited to 2 GB of stored content per school district
Other Eligible Internet Access Services	network connectivity maintenance and technical support for Internet connections.
Interconnected Voice Over Internet Protocol (VOIP) services	350 Phones
Voicemail Services	400 accounts

10 ☒ Internal Connections Other than Basic Maintenance

Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☒ the Contact Person in Item 6 or ☒ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c ☒ Check this box if you prefer discounts on your bill. ☒ Check this box if you prefer reimbursement after paying your bill in full. ☒ Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
Network connectivity	maintenance, design, implementation, and technical support for intra-district connection
Servers	DHCP, DNS, Email, Firewall, or Proxy Server
Voicemail	services and components
E911	E911 and Automatic Route Selection services for Cisco VOIP implementations

11 ☒ Basic Maintenance of Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☒ the Contact Person in Item 6 or ☒ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c ☒ Check this box if you prefer discounts on your bill. ☒ Check this box if you prefer reimbursement after paying your bill in full. ☒ Check this box if you do not have a preference.

Service or Function:	Quantity and/or Capacity:
Basic Maintenance	Maintenance and technical support of internal connections, and the equipment required to provide this functionality.

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name: Timothy S. Rettig Title: Technology Director

Telephone number
(419) 636 - 4536

Fax number
(419) 633 - 6281

E-mail Address

bry_hs_tr@nwoca.org

13a. ☒ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or a Web address where they are posted and provide a contact name and telephone number.

The State Of Ohio requires that for purchases which will become fixtures , notice ina newspaper or general circulation must appear advertising the bid notice each week for a period of at least two consecutive weeks prior to the contract being signed.

☒ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below(including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

Block 3: Technology Resources

14. ☒ **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required ☒ has been purchased; and/or ☒ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☒ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☒ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item 16a, 16b or 16c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☒ **Statewide application for (enter 2-letter state code) OH representing (check all that apply):**

- ☒ All public schools/districts in the state:
☒ All non-public schools in the state:
☒ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☒ **If checked, complete Item 18.**

c. ☒ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible sites	1
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
419	553, 633, 636

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity	Entity Number
BRYAN CITY SCHOOL DISTRICT	129259

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix
---------------------------------	-----------	--------

Block 5: Certification and Signature19. ☒ **I certify that the applicant includes: (Check one or both.)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7081(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. ☒ **I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):**

- a. ☒ individual technology plans for using the services requested in the application, and/or

- b. ☒ higher-level technology plans for using the services requested in the application, or
c. ☒ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the status and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): 12/05/2006

29. Printed name of authorized person: TIMOTHY S. RETTIG

30. Title or position of authorized person: TECHNOLOGY DIRECTOR

31a. Address of authorized person: 150 S. Portland St.
City: Bryan State: OH Zip: 43506

31b. Telephone number of authorized person: (419) 633 - 6211

31c. Fax number of authorized person: (419) 6336281

31d. E-mail address number of authorized person: **BRYHSTR@NWOCA.ORG**

31e. Name of authorized person's employer: **BRYAN CITY SCHOOLS**

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms
ATTN: SLD Form 470
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100**

FCC Form 470
November 2004

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FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

07-08

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471
Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
 The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier
 (Create your own code to
 identify THIS form 471)

07-08-471-BRY

Form 471 Application#

(To be assigned by
 administrator)

555220

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a Name of Billed Entity BRYAN CITY SCHOOL DISTRICT

2 a Funding Year: 2007 Through June 30: 2008 Billed Entity Number: 129259
 July 1,

4 a Street Address,
 P.O. Box,
 or Routing Number 1350 FOUNTAIN GROVE DRIVE

City BRYAN

State OH

Zip Code 43506 1601

b Telephone Number 419-636-6973

c Fax Number 419-636-0313

5 a Type of Application
☐ Individual School (individual public or non-public school)
☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities)

6 Contact Person's Name Timothy S. Rettig

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☒ If not, please complete the entries for the Street Address below.

b Street Address,
 P.O. Box,
 or Routing Number 150 S. Portland
 Number

City	BRYAN		
State	OH	Zip Code	43506 1601
<input type="checkbox"/> c Telephone Number	419-633-6211	<input type="checkbox"/> d Fax Number	419-633-6281
<input checked="" type="checkbox"/> e E-mail Address	bry_hs_tr@nwoca.org		
<input type="checkbox"/> f Holiday/vacation/summer contact information			

Page 1 of 7



FCC Form 471 - November 2004

Entity Number	<u>129259</u>	Applicant's Form Identifier	<u>07-08-471-BRY</u>
Contact Person	<u>Timothy S. Rettig</u>	Phone Number	<u>419-633-6211</u>

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		2292
b	Telephone service: Number of classrooms with phone service	179	179
c	Dial-up Internet access: Number of connections (up to 56kbps)	4	4
d	Direct broadband services: Number of buildings served at the following speeds:		
	Less than 10 mbps	0	0
	Between 10 mbps and 200 mbps	0	0
	Greater than 200 mbps	4	4
e	Direct connections to the Internet: Number of drops	179	179
f	Number of classrooms with Internet access	179	179
g	Number of computers or other devices with Internet access	1100	1100